
People Management Toolkit

Managing Individual Grievances

Agreed in conjunction with ACAS and PCS

Sport for life

sportscotland
the national agency for sport

Our values are: honesty, respect, integrity, openness, inclusion, ambition

1.0 Introduction

- 1.1 **sportscotland** is committed to promoting good employment relations and will strive to achieve this by fostering a culture of open communication and consultation to support individuals in achieving effective professional working relationships.
- 1.2 In dealing with grievance matters **sportscotland** will ensure compliance with the appropriate employment legislation as noted in the [ACAS Code of Practice on Discipline and Grievances](#).
- 1.3 In managing grievances, **sportscotland** will not discriminate on the grounds of including but not limited to disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation and also gender identity, responsibility for dependents, political beliefs, Trade Union activity, socio-economic background, Looked After Children and Care Experienced Young People (LACYP) or other relevant factors.

2.0 Scope of Policy

- 2.1 This policy applies to all **sportscotland** individuals with the exception of the Chief Executive Officer who is subject to the relevant Scottish Government policy.
- 2.2 **sportscotland's** policy is to ensure:
 - all grievance issues are managed in a supportive and timely manner;
 - training is provided to support the effective implementation of the grievance policy and procedures for those with responsibility for managing and supervising employees;
 - provision of mediation to support the effective resolution of disagreements and disputes (see [mediation policy](#));
 - formal grievances are expedited promptly and within a timescale that is reasonable;
 - individuals are able to be accompanied at any formal grievance meeting;
 - legislation is complied with, and to
 - act fairly, reasonably and consistently.

- 2.3 **sportscotland** is committed to ensuring that any grievance issues are managed confidentially, sensitively and promptly and that any employee involved in a grievance, either formally or informally, is able to access confidential support, through the [Employee Assistance Programme](#) should they wish to do so.
- 2.4 It is the responsibility of the Line Manager to ensure that all their staff are made fully aware of what is expected of them personally, and of their team within the organisation, through providing appropriate communication, support, training and development. The Line Manager is responsible for identifying any issues and instigating any required investigation and/or disciplinary action.
- 2.5 Separate procedures exist where the issue or concern relates to bullying, harassment or victimisation (See [Dignity at Work Policy](#)).

3.0 Overview of Procedure

What is a grievance?

- 3.1 Grievances are issues about work that employees raise with their employer.
- 3.2 Many potential grievance issues can be resolved informally. However, where an issue cannot be resolved informally a formal route may be appropriate.

Role of HR

HR will support Line Managers on the application of the policy throughout the process, by providing advice and guidance.

INFORMAL PROCEDURE

How should informal grievances be handled?

- 3.3 Matters involving issues about work are usually best addressed initially by a staff member talking to their Line Manager informally, as soon as they can, as part of their normal everyday working relationship. The nature of the issue and how it might be addressed should be discussed and an agreement made about what actions will be taken.

Recording the outcome.

- 3.4 If, after initial discussion, the matter remains unresolved, a written note of the informal discussions will be made by the Line Manager so the details of what has been discussed and next steps are recorded. These can be used for reference by the parties concerned as progress is made towards a resolution.

FORMAL PROCEDURE

Raising the Formal Grievance

- 3.5 The formal procedure starts when a grievance is raised in the appropriate template. This can be done either once the informal approach has been tried but has not achieved a resolution or is considered inappropriate due to the nature/seriousness of the concerns. If the concerns are regarding the person's Line Manager, then the

formal grievance should be raised with HR, who will appoint an Investigation Manager if appropriate.

- 3.6 The written grievance should explain the nature of the grievance and the reasons for it, including events, situations and other evidence relating to it. It is important that the statement concentrates on the facts which support the basis of the grievance.
- 3.7 The written grievance should also indicate the outcome/resolution being sought. The signed and dated grievance statement and any additional material should all be sent to the Line Manager (or alternative as appropriate).
- 3.8 When a Line Manager receives a formal grievance a Grievance Manager will be appointed in consultation with HR.

Role of the Grievance Manager

The Grievance Manager is the individual with responsibility for managing the formal grievance process in its entirety.

- 3.9 The Grievance Manager will acknowledge in writing, receipt of the written grievance. They will also be responsible for keeping a record of the grievance process to manage and monitor the process and record details of all discussions.

4.0 Grievance Investigations

- 4.1 Following receipt of the grievance, the Grievance Manager may identify that there is a need to carry out further investigations into any allegations, before proceeding to a full formal grievance meeting.
- 4.2 Where investigation is required, an Investigation Manager will be appointed by HR to investigate the grievance further to establish and check the details of the case and collect any additional information that they may feel is required. Any investigations will normally be concluded within two weeks or extended if necessary.

Role of the Investigation Manager

The Investigation Manager is responsible for managing the formal investigation process. They are responsible for gathering any relevant information pertaining to the investigation, including holding investigation meetings with the individual in question and any witnesses. The Investigation Manager will conclude their Investigation by collating the pertinent information and producing an Investigation report.

The Investigation Manager will provide factual conclusions, however will not make any recommendations within the Investigation Report.

- 4.3 It is important that, at the start of any investigatory meeting(s), the Investigation Manager makes all witnesses aware that their statements will be provided to the person raising the grievance. In exceptional circumstances, the evidence given by individuals may need to remain confidential and will be redacted appropriately.

- 4.4 Although there is no statutory right for an employee to be accompanied by a workplace colleague or Trade Union Representative at a formal investigatory meeting, employees who request accompaniment will be granted this.

5.0 The Grievance Meeting

- 5.1 Once a formal written grievance has been submitted, a formal grievance meeting will be held, normally within two weeks. The Grievance Manager will acknowledge the formal grievance and may decide to undertake investigations personally or appoint an Investigations Manager.
- 5.2 Any person attending will inform the Grievance Manager if they have any special requirements e.g. access, disability, language requirements etc.

Right to be accompanied

- 5.3 The person raising a grievance has a statutory right to be accompanied at any formal grievance meeting by a Trade Union Representative or workplace colleague.

Role of the Workplace Colleague/ Trade Union Representative

Any employee may be accompanied by a workplace colleague or a Trade Union representative during the formal grievance process. Representatives/workplace colleagues should have no conflict of interest in relation to the matter or people concerned in the case. At any hearing or appeal meeting, the employee's workplace colleague/representative will be able to address the hearing/meeting in order to put the employee's case forward, sum up the case, respond on the employee's behalf to any view expressed at the hearing and confer with the employee. They will not usually answer questions on behalf of the employee, but may do so with the agreement of the Grievance Manager

Holding the Grievance Meeting

- 5.4 At the grievance meeting the Grievance Manager will:
- confirm that the person raising the grievance has read and understood the grievance policy and is aware of their rights;
 - invite the person to explain the nature of the grievance and the resolution being sought;
 - ensure that the person who has raised the grievance and their representative have the opportunity to respond to information presented during the meeting;
 - if appropriate, call a short adjournment to discuss the material or a longer adjournment if further investigations are required.

In exceptional circumstances an external resource may be used to hear a grievance. HR will advise in these circumstances.

- 5.5 A representative from HR will attend the meeting to provide advice to the Grievance Manager. A note taker will attend.

Outcome

- 5.6 The Grievance Manager will adjourn to consider the facts of the case.

- 5.7 If the Grievance Manager feels that all the facts are contained in the written grievance and verbal presentation, then they can decide a suitable and appropriate resolution. HR can provide guidance and support in relation to this.
- 5.8 The outcome will be communicated, in writing, to the person within one week of the hearing being concluded. The outcome letter together with a copy of the notes of the meeting will explain what action, if any, the Grievance Manager intends to take to resolve the grievance.
- 5.9 Where a grievance is upheld, or partially upheld, any action to be taken will be confirmed in the outcome letter, detailing the person(s) responsible for such action and the timescales associated.
- 5.10 The outcome letter will also inform the person who raised the grievance of their right to appeal if they are not content with the action proposed.

6.0 The Appeal Process

- 6.1 Employees have the right to appeal against the grievance outcome.
- 6.2 An appeal must be made in writing to the relevant person named in the outcome letter. The Appeal must be received within 14 days of receiving the outcome letter of the grievance hearing and should clearly states the grounds of appeal.
- 6.3 Appeals may be made on the grounds of:
 - new evidence has become available, which may affect the decision;
 - alleged procedural flaws within the grievance process;
 - the outcome does not adequately resolve the employee's grievance.

Handling an Appeal

- 6.4 When a written appeal is received, HR will appoint an appropriate manager as the Appeal Manager. The Appeal Manager is responsible for managing the formal appeal process in its entirety.
- 6.5 The Appeal Manager will ensure that all those involved and associated with the matter are kept informed of the appeal process and its progress.

Role of HR

HR will support the appeal process by providing guidance and advice to the Appeal Manager.

The Appeal Meeting

- 6.6 A formal appeal meeting will be held within two working weeks of the appeal application being received.
- 6.7 The Appeal Manager will inform the employee of the time and location for the appeal meeting and will remind them of their right to be accompanied by a work colleague or a Trade Union Representative.

- 6.8 The employee will inform the Appeal Manager if they will be accompanied by another person and if they have any special requirements e.g. disability, language requirements, etc.
- 6.9 Employees (and their representatives) must make every effort to attend the appeal. Where an employee is persistently unwilling to attend an appeal meeting, **sportscotland** will make a decision based upon the information available in their absence.

Decide on an Appropriate Outcome

- 6.10 The appeal meeting is not intended as a full re-hearing of the original issue. The purpose of the appeal meeting is for the employee to put forward why they believe that the original outcome should be changed.
- 6.11 The Appeal Manager will adjourn to decide upon the outcome of the appeal. The decision of the Appeal Manager will be final and will normally be communicated to the employee in writing within one working week of the decision being made.

7.0 Special Cases

How will the grievance be handled if disciplinary proceedings are in progress?

- 7.1 Where a grievance is raised in response to disciplinary proceedings, the disciplinary process may be temporarily suspended in order to deal with the grievance.
- 7.2 Where the grievance and disciplinary cases are associated, it may be appropriate to deal with both issues concurrently.
- 7.3 Where the grievance and disciplinary cases are unrelated, both cases may run concurrently, following the normal procedures. Separate managers will be appointed to each case.
- 7.4 In these circumstances, guidance should be sought from HR.

Trade Union Representatives

- 7.5 Where disciplinary action is being considered against an employee who is a Trade Union Representative, the normal disciplinary procedure will be followed. The matter will be discussed at an early stage with an official employed by the Union, after obtaining the employee's agreement. HR can provide advice in these circumstances.

Version Control History

Group update with HR and PCS Union.
To be reviewed within 3 years of the date below.

| Name | Position | Signature | Date |
|-----------------|----------------------------|---|------------------------|
| Callum MacInnes | HR Manager | DocuSigned by: <i>Callum MacInnes</i> | 16-Oct-19 07:54:44 E |
| Nichola Raccio | HR Officer | A63B04DB491E4EE... DocuSigned by: <i>Nichola Raccio</i> | 16-Oct-19 15:44:32 E |
| Andrew Kelly | Trade Union Representative | F41C0130B7114AB... DocuSigned by: <i>Andrew Kelly</i> | 17-Oct-19 09:44:46 E |
| Scott Baxter | Trade Union Representative | 3F74D29D3E1F49E... DocuSigned by: <i>Scott Baxter</i> | 16-Oct-19 16:12:19 E |